

No. S.A.68/2018-MIC
MIZORAM INFORMATION COMMISSION
NEW SECRETARIAT COMPLEX, KHATLA
MIZORAM : AIZAWL

C. Lalthanpari,
Bethlehem Vengthlang : *Appellant*
Aizawl, Mizoram

Dr. P.C. Lalramliana,
SPIO/Jt. Director (P)
Hospital & Medical Education Department : *Respondent*
Aizawl, Mizoram

O R D E R
(23.11.2018)

The Mizoram Information Commission (MIC) has received **Second Appeal** dt.27.08.2018 from **Pi C. Lalthanpari, Bethlehem Vengthlang**, Aizawl, Mizoram *against* the State Public Information Officer (SPIO), Directorate of Hospital & Medical Education, Aizawl Mizoram. The Appellant, C. Lalthanpari (*M/o Catherine Lalrinnungi*) has sought information under RTI Act, 2005 in connection with the recruitment of 40 numbers of Group D Staff under Mizoram Institute of Medical Education & Research (MIMER) on 5 points as follows :-

1. Ka fanu hming Sl.No.33-a a chuanna copy
2. Written a tling mi 80 te an hming list leh mark hmuh zat theuh
3. Interview a mi 80 te mark hmuh zat theuh leh an hming list
4. Written a tling mi 80 te Answer paper Xerox copy.
5. Hemi chungchang a correspondence leh an mark hmuh dante hi inspection ka dil e.

The SPIO, Directorate of Hospital & Medical Education Department sent his reply on 04.07.2018 stating that the information could not be supplied as per the provision of Section 8(1)(j) of the RTI Act, 2005. Being aggrieved, she filed her **First Appeal** to the Departmental Appellate Authority (DAA), Directorate of Hospital & Medical Education Department on 12.07.2018. As she did not receive any response from the Departmental Appellate Authority after a lapse of 40 days, she preferred **Second Appeal** to the Mizoram Information Commission with a request to help her in getting the requested information.

2. **Hearing** was conducted both by the Chief Information Commissioner (**CIC**), Mizoram Information Commission and the Information Commissioner (**IC**), Mizoram Information Commission in *the Office Chamber of the CIC on 23rd November, 2018 (Friday)* at **11.00 A.M.** The Appellant Pi C. Lalthanpari and the Respondent Dr. P.C. Lalramliana, SPIO & Pi Ramchullovi, SAPIO, Directorate of Hospital & Medical Education Department were present in person.

3. The Appellant, Pi C. Lalthanpari informed the Commission that she received a phone call where she was told to collect the appointment order of her daughter Ms. Catherine Lalrinnungi. She hurriedly went to the Directorate of Hospital & Medical Education but on reaching she was told that they had wrongly informed her of the matter. She then went through the appointment letter of the other applicants who were also in the office and found out that her daughter's name was at Sl.no. 33. On enquiry, she was told by the Office Superintendent (SAPIO who was also present at the hearing) that the list she had with her daughter at Sl.No.33 was printed by mistake and the officials who were present there took the appointment order and replaced it with a new order. Being aggrieved, she requested the Director, Hospital & Medical Education to show her the documents relating to the appointment of Group 'D' staff for MIMER. However, the Director advised her to submit RTI application for the information that she required.

4. Following the advice, the Appellant stated that she then submitted her RTI application to the SPIO, Directorate of Hospital & Medical Education on 19.06.2018. But the reply received from the concerned SPIO's letter No. D.28019/70/2018-DHME/ESST dt. 04.07.2018 only stated that the information could not be provided to her as per Section 8 (1)(j) of the RTI Act, 2005. Being aggrieved and being not satisfied with the reply of the SPIO, she filed **First Appeal** to the Departmental Appellate Authority on 12.07.2018. As she did not receive any response from the DAA after a lapse of 40 days, she now approached the MIC with a request to help her in getting the requested information, she added.

5. In the hearing, the Respondent, Dr. P.C. Lalramliana, SPIO also informed the Commission that a mistake had been made and a list which had the name of Ms. Catherine Lalrinnungi at Sl.No. 33 had been printed but necessary correction was made as soon as the mistake

was detected. He also stated that they had committed a grave mistake inadvertently as they are always very busy in connection with their normal office works as well as conducting examination for recruitment of various posts under MIMER and apologized. He produced before the Commission the documents and Files being maintained by their office that relates to this case.

6. After careful examination of the records and upon hearing the position of the Respondent, the Commission has observed that: -

- i. On checking the original records maintained by the SPIO, that was produced in the Hearing, the Commission sees that Catherine Lalrinnungi d/o C. Lalthanpari was 43rd and 55th position in the written and the Merit List respectively.
- ii. In reply to Pi C. Lalthanpari's RTI application, the SPIO has quoted Section 8(1)(j) of the RTI Act, 2005 which is irrelevant and is not applicable in this particular case. The SPIO has committed a grave mistake in denying information to the applicant by referring to this section of the RTI Act, 2005.
- iii. During the hearing, Dr. P.C. Lalramliana, SPIO informed the Commission that a mistake had been made while finalizing the approved list. The letter dt. 04.07.2018 issued by the SPIO, Directorate of Hospital and Medical Education should be in a speaking order wherein the mistake committed for inclusion of Ms. Catherine Lalrinnungi at Sl.no. 33 should have been clearly written and that necessary correction was made soon after the mistake was detected. This could help the applicant in understanding the factual position of the case better. Instead, the SPIO merely informed the applicant that the required information could not be provided as per Section 8 (1)(j) of the RTI Act, 2005 as it relates to third party information.
- iv. The official responsible for typing/making the incorrect list should be traced out as the mistake committed has mentally tortured the candidate (whose name was earlier listed at Sl.no.33 and later deleted) and the appellant i.e. her mother *viz* Pi C. Lalthanpari.

- v. This Commission is also of the opinion that the Departmental Appellate Authority (DAA)/Director, Directorate of Hospital & Medical Education is quite irresponsible as she has not responded to the First Appeal submitted by Pi C. Lalthanpari even after a lapse of more than 40 days. She may be informed to be more serious in attending and disposing of RTI cases in future.

7. Therefore, the Commission hereby orders that: -

- 1) Inspection of all the files/documents relating to recruitment of Group 'D' staff for MIMER including the marks given in the answer sheet and the approved score sheet list be allowed to Pi C. Lalthanpari on or before 15.12.2018.
- 2) A copy of the approved revised marksheet should also be given to Pi C. Lalthanpari on or before 15th December 2018 at no cost.
- 3) The official responsible for typing/making the incorrect list should be traced out at the earliest. Thereafter, the Commissioner or Principal Director, Hospital & Medical Education is requested to review the matter and draw disciplinary proceedings, if required.

Appeal of Pi C. Lalthanpari is disposed of accordingly.

(ZORAMMAWIA)
Information Commissioner
Mizoram Information Commission

(LALDUHTHLANA RALTE)
Chief Information Commissioner
Mizoram Information Commission

